

REMARKS

With entry of this amendment, claims 19-25 have been cancelled, and claims 26-31 have been newly added. As a result, claims 1-11, 13, 14, 18, and 26-31 are pending in this application. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §102

Claims 1-5, 7-10, 13, 14, and 18 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,014,589 ("Farley"). Applicant respectfully traverses this rejection, since Farley does not disclose each and every element required by these claims, as amended.

In particular, independent claim 1 has been amended to clarify that the protective element is incapable of conveying electrical energy between the solid tissue and the ground electrode element. In contrast, to the extent that the electrode arms 26 can be considered the claimed protection element, and the rings 100, 104 can be considered the claimed ground electrode element, the electrode arms 26 are capable of conveying, and in fact are specifically designed to convey, electrical energy between the solid tissue in which they contact and the rings 100, 104. Thus, the Fig. 11 embodiment disclosed in Farley does not have a protective element that is incapable of conveying electrical energy between solid tissue and a ground electrode element.

Thus, Applicant submits that independent claim 1, as well as the claims depending therefrom (claims 2-5, 7-10, 13, 14, and 18), are not anticipated by Farley, and as such, respectfully request withdrawal of the §102 rejections of these claims.

Claim Rejections-35 U.S.C. §103

Claims 5-7, 10, and 11 stand rejected under 35 U.S.C. §103, as being obvious over Farley, either alone, or in view of U.S. Patent No. 6,475,213 ("Whayne"). Applicant respectfully traverses this rejection, since Farley does not disclose, teach, or suggest the combination of elements required by these claims. In particular, as previously discussed, Farley does not disclose a protective element that is incapable of conveying electrical energy between solid tissue and a ground electrode element, as required by independent claim 1 from which these claims depend.

Thus, Applicant submits that claims 5-7, 10, and 11 are not obvious over the Farley and Whayne, and as such, respectfully request withdrawal of the §103 rejection of these claims.

Newly Added Claims

Applicant submits that newly added claims 26-31 are supported by the specification, as originally filed, and are patentable over the cited prior art for at least the same reasons as independent claim 1 from which they depend are patentable over the cited prior art.

Conclusion

Based on the foregoing, it is believed that all claims are allowable, and thus, a Notice of Allowance is respectfully requested. If the Examiner has any questions or

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comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: March 5, 2008

By:

A handwritten signature in black ink, appearing to read "Michael J. Bolan", is written over a horizontal line.

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